

PTO/SB/17 (01-06)

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FEE TRANSMITTAL

For FY 2006

☒ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$) 250**Complete if Known**

Application Number	10/764,160
Filing Date	1/23/04
First Named Inventor	Robert C. Lyne, Jr.
Examiner Name	Jimenez
Art Unit	3726
Attorney Docket No.	

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☐ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims
- 20 or HP = _____	x _____	= _____		Fee (\$) Fee Paid (\$)

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 3 or HP = _____	x _____	= _____	

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 = _____	/ 50 = _____	(round up to a whole number) x _____	= _____	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Appeal Brief

Fees Paid (\$)

250**SUBMITTED BY**

Signature	<u>Robert C. Lyne, Jr.</u>	Registration No. (Attorney/Agent)	Telephone <u>804-740-0185</u>
Name (Print/Type)	<u>Robert C. Lyne, Jr.</u>	Date	<u>7/25/06</u>

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**TRANSMITTAL
FORM**

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Total Number of Pages in This Submission 30

Application Number	10/764,160
Filing Date	January 23, 2004
First Named Inventor	Robert C. Lyne, Jr.
Art Unit	3726
Examiner Name	Marc Quemuel Jimenez
Attorney Docket Number	

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name			
Signature	<i>Robert C. Lyne, Jr.</i>		
Printed name	Robert C. Lyne, Jr.		
Date	July 22, 2006 7/25/06	Reg. No.	

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Signature	<i>Robert C. Lyne, Jr.</i>		
Typed or printed name	Robert C. Lyne, Jr.	Date	July 22, 2006 7/25/06

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant/Appellant: Robert C. Lyne, Jr.

Application Serial No. 10/764,160

Filed January 23, 2004

Invention Title: System for Installing Chains on Vehicle Tires

Examiner: Marc Quemuel Jimenez

Group Art Unit 3726

Title of this paper: **APPEAL BRIEF**

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REAL PARTY IN INTEREST

The real party in interest is the Applicant/Appellant, Robert C. Lyne, Jr., an individual.

RELATED APPEALS AND INTERFERENCES

None.

STATUS OF CLAIMS

Claims 1-4, 6, and 8-22 are in the application. Claims 5 and 7 are cancelled. Claims 10-20 are allowed. Claims 1-4, 6, 8, 9, 21, and 22 are rejected. Claims 1-4, 6, 8, 9, 21, and 22 are being appealed.

STATUS OF AMENDMENTS

There is no issue involving entry of an amendment.

SUMMARY OF CLAIMED SUBJECT MATTER

The present application discloses and claims a novel tire chain installation ramp and storage tray (hereinafter collectively “tray”). Appellant’s tray **110** can be considered, for purposes of this appeal, an improvement upon prior art trays such as that of Planz U.S. patent 3,893,500. The novelty of claim 1, the only independent claim on appeal, resides in the addition of upwardly facing compartment **144** and upwardly projecting interior wall **140** defining the compartment. These novel elements are best shown in Fig. 17 and are described in specification paragraph 0083.

The need for the novel compartment and interior wall arose from Appellant’s method employing a tool **10** which is separate from the tray. (Appellant’s original application contained claims to a method, a tool, and a tray. As the result of a division requirement, U.S. Patent 6,263,554 was issued on the method, and U.S. Patent 6,681,657 was issued on the tool.). The tool is not recited as an element of the claims in the present application. Tool **10** is best shown in Fig. 1, is best shown in the compartment **144** in Fig. 17, is best shown in use in Fig. 31, and is described in specification paragraphs 0064-0080.

Appellant’s method is best shown in Figs. 17 and 31-33 and described in specification paragraphs 0093-0101 and 0113-0017. Tool **10** is releasably connected to the tire chain at one end of each side chain and placed in compartment **144** with the tire chain in a partially laid-out orientation in tray **110**. The tool, tire chain, and tray may be stored or transported in that arrangement. To install the tire chain, the vehicle is driven onto and stopped with the tire resting on tray **110**. Then the tool, with one end of the tire chain connected to it, is picked up, removed from tray **110**, drawn upward and circumferentially around the tire, and used to wrap the trailing chain around the tire and tension it in its correct position. Next, the opposite ends of the side chains are lifted from tray **110**, and, with tool **10** guiding the end of the inner side chain, brought into contact with and connected to the ends of the side chains held by the tool. Finally, tool **10** is disconnected from the tire chain and the vehicle is driven off the ramp.

As described in specification paragraph 0112, the purpose of compartment **144** and interior wall **140** is to protect tool **10** from being damaged by the weight of the vehicle bearing on it. Such damage can result from the tire's contacting the tool directly or contacting chain overlying the tool. The compartment **144** and interior wall **140** also keep chain from being displaced onto or under the tool, and vice versa, which might otherwise occur during handling of tray **110** with the tire chain loaded in it.

If Appellant's invention is used properly, the tire should never bear on the tool. However, it is likely that on occasion the vehicle will be driven too far to the rear of the tray, or will be driven inadvertently in the wrong direction when driven off the tray. This could destroy the tool. If the tool had to be placed in the tray without a compartment or interior wall, for example the Planz tray, the tool would have to be made sufficiently robust to eliminate any need to protect it from damage caused by the weight of the vehicle. However, making it that robust without unduly increasing its size, weight, and/or cost would be problematic.

Otherwise, the structure of Appellant's tray is similar to that of Planz. As best shown in Figs. 17-19 and described in specification paragraphs 0081 and 0083, tray **110** has base **112** and, projecting upwardly therefrom, exterior rear wall **114**, exterior side walls **116**, and vehicle supports **122**, **124**, **126**. The vehicle supports are spaced from each other and from the side walls so as to define longitudinal channels **138** and transverse channels **130**, **132**, **134**, **136** for receiving and confining laid-out side chains and cross chains. Chain well **142** is for receiving chain which not been laid out.

Applicant's novel interior walls **140**, together with end wall **114** and portions of side walls **116**, define novel compartment **144** and separates it from chain well **142**. Interior walls **140** have a height at least as great as the height of the tool, so that the tool does not project above the top of the interior walls when the tire chain is loaded in the tray and the tool is disposed in the compartment.

Another novel feature of tray **110** is two chain element holders **119** located on base **112** at the end of the tray opposite compartment **144**. Each holder **119** has a slot or passage **120** for receiving and locating a chain element at that end of a side chain, and restraining it from lateral movement during handling of the loaded tray. These chain element holders are best shown in Fig. 17, 19, and 20, are described in specification paragraph 0082, and are claimed in dependent claim 9.

Another novel feature of tray **110** is spaced stacking lugs **116f** on the top of each side wall, and stacking recesses **116g** on the bottom of the side wall directly beneath the stacking lugs. These enable the trays loaded with tire chains to be stored by stacking one on the other, with stacking lugs **116f** of the lower tray fitting into stacking recesses **116g** of the upper tray, thereby preventing lateral movement of one tray with respect to the other. These stacking lugs and recesses are best shown in Fig. 17 and 19, are described in specification paragraph 0081, and are claimed in dependent claim 6.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-4, 6, 8, 9, 21, and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Appellant regards as the invention.

. Claims 1, 2, 8, 9, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Planz U.S. Patent 3,893,500.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Planz U.S. Patent 3,893,500 in view of Douglas et al. U.S. Patent 3,845,875.

ARGUMENT

Indefiniteness Rejection Under 35 U.S.C. 112, Second Paragraph

The rejection of claims 1-4, 6, 8, 9, 21, and 22 under 35 U.S.C. 112, second paragraph states that the recital of claim 1 “allowing the tool to be grasped and pulled upward to remove it from the tray” makes it unclear whether the claim covers the tray only or a combination of the tray and the tool. For reasons which follow, Appellant believes that the rejection is improper and should be reversed.

Claim 1 recites “A tray for installing ... which tray comprises:”, and then lists six elements in the body of the claim, each in its own paragraph. These elements are base, exterior walls, supports, well, interior wall, and compartment. None of these elements is a tool. Clearly claim 1 is not claiming a tool. Claim 1 recites “tool” in the paragraph describing the compartment, but only to refer back to the preamble: “A tray for installing [a tire chain] by a method in which the arms of a U-shaped installation tool are connected to the [chain] and the tool is drawn circumferentially around the stationary tire with the chain trailing the tool and sliding over the surface of the tire”.

It is well settled that something may be recited in the preamble of a claim, and later in the body of the claim, without being an element of, or covered by, the claim; see MPEP 2111.02, Effect of Preamble [on patentability].

The U.S. Court of Appeals for the Federal Circuit, for example, in the case of *In re Stencel*, 828 F.2d 751, 4 USPQ2d 1071 (Fed. Cir. 1987), ruled on a claim to a “driver” which had recitals of a “collar” in both the preamble and the body. Applicant’s compartment **144** is analogous to the driver and Applicant’s tool **10** is analogous to the collar. The *In re Stencel* claim read as follows, with “driver” appearing here in bold and underline, and “collar” appearing here in bold only:

1. A **driver** for setting a joint of a threaded **collar**, a threaded pin, and at least one sheet, the **collar** having plastically deformable lobes on its longitudinal exterior that upon the existence of a

predetermined clamp-up load between the **collar** and the sheets plastically deform in radial compression and displace material of the **collar** into void volumes between the **collar** and the pin to lock the two together and terminate the action of the **driver** on the **collar**, the **driver** comprising:

- (a) a body having a rotational axis;
- (b) a socket in the body having a plurality of flats that when cut by radial planes normal to the rotational axis fall on the sides of a regular polygon, the flats being parallel to the rotational axis;
- (c) the minimum distance between each flat and the rotational axis corresponding substantially to the radius of the **collar** at the location of the lobes after their plastic deformation; and
- (d) means on the body to receive a wrenching torque applied to the **driver** so that the flats apply the torque to the lobes of the **collar**;

The court approved the claim and held it patentable in view of the recitals, saying

As a matter of claim draftsmanship, appellant is not barred from describing the driver in terms of the structure imposed upon it by the collar having plastically deformable lobes.

Currently MPEP 2111.02, in the paragraph headed "Preamble Statements Limiting Structure", cites *In re Stencel* with approval, describing the case as follows:

The claim at issue was directed to a driver for setting a joint of a threaded collar; however, the body of the claim did not directly include the structure of the collar as part of the claimed article. The examiner did not consider the preamble, which did set forth the structure of the collar, as limiting the claim. The court found that the collar structure could not be ignored. While the claim was not directly limited to the collar, the collar structure recited in the preamble did limit the structure of the driver. "[T]he framework - the teachings of the prior art - against which patentability is measured is not all drivers broadly, but drivers suitable for use in combination with this collar, for the claims are so limited.

Anticipation Rejection of Claims 1, 2, 8, 9, and 22 Under 35 U.S.C. 102(b)

According to *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987), "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." See MPEP 2131. For reasons which follow, Appellant believes that the rejections of claims 1, 2, 8, 9, and 22 under 35 U.S.C. 102(b) as anticipated by Planz U.S. Patent 3,893,500 are improper, and should be reversed.

Independent Claim 1

The following table shows Planz's disclosure of a tire chain installation ramp and storage tray with structure corresponding to, or contended in the rejection to correspond to, Appellant's structure:

Appellant's Structure	Planz's Structure, according to Planz	Planz's Structure, according to Final Rejection
base 112	base 12	base 12
exterior rear wall 114	inclined members 28, 30	exterior rear wall 28
exterior side walls 116	lateral edges 14, 16	exterior side walls 14, 16
vehicle supports 122b, 122c, 124, 126	main members 18, 20	vehicle supports 24, 26 (actually these are dish-shaped sections of main members 18, 20)
transverse channels 132, 134, 136	pockets 32, 22, 34	locations of laid-out cross chains 64
longitudinal channels 138	inward of edges 14, 16	locations of laid-out side chains 62
chain well 142 for receiving chains which have not been laid out	in pockets 32, 34	chain well 64 (See note A below)
upwardly facing compartment 144 adjacent the well	not disclosed	compartment 64 (See note B below)
interior wall 140 located between the well and the compartment	not disclosed	not identified (See note C below)
U-shaped tool 10 (Not recited as an element in the claims)	not disclosed	tool 44 or 54 (See note D below)

Note A to table. Planz's reference character **64** actually indicates cross chains. Apparently the Examiner is using Planz's reference characters merely to locate a point at the end of the lead line, rather than to identify a specific feature.

Note B to table. The Examiner also states, "[T]he compartment is where the tool **44** is located It is noted that the compartment could also be considered a 'well'".

Note C to table. The Examiner states only, "the compartment clearly has an interior wall".

Note D to table. According to Planz, **44** is actually a locking member of locking bar or rod **40**, and **54** is actually a handle of locking rod or bar **48**.

Planz fails to disclose an upwardly facing compartment adjacent the chain well or an interior wall located between the well and the compartment. (For that matter, Planz does not disclose a compartment of any kind, or anything that functions as, is similar to, is called, or could reasonably be called, a compartment. This is not surprising, because Planz has no need for a compartment.)

The Examiner cannot cure these fundamental defects by (i) referring to a single element in Planz (a chain well) at different times by two different names ("chain well" and "compartment"), and (ii) pretending that there is a wall between such a chain well and imaginary compartment. The well, the compartment, and the wall are recited as three distinct structural elements in claim 1. The fact is that Planz discloses one of them but not the other two. The rejection is fundamentally flawed in this respect.

Nor does Planz disclose a "tool". Appellant is not aware of any precedent for arbitrarily characterizing a permanent component of a mechanical device as a "tool". Even if a locking rod or bar **40** or **48** of Planz were a "tool", which it isn't, the locking rod or bar could not possibly be "connected to the ends of the side chain" or, being secured to the tray, "drawn circumferentially around the stationary tire with the chain trailing the tool and sliding over the surface of the tire", as required by the preamble of claim 1, properly construed as required by *In re Stencel* discussed above.

Also, the locking rod or bar **40** (including locking member **42**, locking member **44**, and handle **46**) and locking rod or bar **48** (including locking section **50**, locking section **52**, and handle **54**) are not U-shaped. They are actually E-shaped, with the top or bottom leg of the E having a dog-leg configuration and being rotated about the backbone of the E at an angle of about 45 degrees to a plane including the other two legs. It is not clear which two legs are supposed to define the U-shape.

At another, more abstract level, even if a locking rod or bar **40** or **48** were a “tool”, there is no structure of Planz that has not been “spoken for” by being specifically identified. Once you have eliminated from consideration the first seven things listed in the table above (Planz’s elements **12, 14, 16, 18, 20, 22, 28, 30, 32, 34**), there is nothing left that could possibly be called a “compartment” or an “interior wall”.

Since the rejection implies that “upwardly facing compartment” is a term which is so broad as to be meaningless for patent purposes, Appellant cites Cushman U.S. Patent 5,544,614, Traffic Barricade, as an example of this term’s being used in plain, straightforward, natural, accurate, descriptive, reasonably precise, and easily understood English; see Cushman’s specification at col. 5, lines 23-24. Attachment A hereto is the first page of this patent, showing the upwardly facing compartment **152** and an excerpt from the specification.

Appellant does not refer to dictionary definitions in this brief, because the words at issue are ordinary, familiar terms used in a context in which they should have their everyday meanings. However, in case a dictionary definition is deemed relevant, Attachments B-D hereto, which are dictionary definitions of “compartment”, “tool”, and “wall”, are submitted for the convenience of the Board.

Dependent Claim 2

Planz does not disclose an interior wall or other structure that is sufficiently high to keep the loose chain from spilling out of the well. In Planz, that function of restraining

the loose chain in the well is performed by the above-described member the Office action calls a “tool”, which clamps down onto the loose chain.

Dependent Claim 8

Just as there is no disclosure in Planz of an interior wall “between” the well and the compartment, there is no disclosure in Planz of an interior wall “separating” the well and the compartment.

Dependent Claim 9

Planz does not disclose either (i) a chain element holder having a “passage for receiving [or] locating ... a chain element at or near the end of each side chain”, or (ii) connection, to a side chain, of the member the rejection calls a “tool”.

Dependent Claim 22

Since Planz does not disclose an interior wall, a compartment, a tool, or the concept of protecting a tool, the recitals that “the interior wall has a height at least as great as the height of the tool” and that “the tool does not project above the top of the interior wall when the tire chain is loaded in the tray and the tool is disposed in the compartment” are further reasons claim 22 is not anticipated by Planz.

Obviousness Rejection Under 35 U.S.C. 103

For reasons which follow, Appellant believes that the rejection of claim 6 under 35 U.S.C. 103(a) as unpatentable over Planz U.S. Patent 3,893,500 in view of Douglas et al. U.S. Patent 3,845,875 is improper, and should be reversed.

Douglas et al. U.S. Patent 3,845,875 discloses stackable, plastic foam “tray assemblies” for use in the food service field. Each assembly consists of a cover and a

base. In each assembly, the cover has two spaced lugs **16, 17** on its top surface and the base has corresponding recesses in its bottom surface. The lugs and recesses are toward the center of the top and bottom surfaces of the cover and base, away from the corners. Only lug **17** and its corresponding recess are near an edge. The lugs and recesses provide stacking stability when the assemblies are stacked upon one another.

There is no disclosure in Douglas et al. that the bases, which correspond to Appellant's trays, have lugs or may be stacked separately. Also, there is no disclosure or suggestion in Douglas et al. that there could be stacking lugs or stacking recesses at the side and/or end edges of either the covers or the bases, where in Appellant's ramp/tray they are most effective at providing stability and are out of the user's way during loading and installation of the tire chain. In addition, there is no reason to believe that one skilled in the art, faced with the problem of conserving space when tire chain-holding trays are to be stored, would look to the food service tray art for a solution, or that, even if he were to do so, he would find it in Douglas et al. The artisan would look to the food service tray art only if he had already decided he wanted to (i) stack the chain-holding trays and (ii) use lugs and recesses for stacking.

CLAIMS APPENDIX

1. A tray for installing, on a tire mounted on a vehicle wheel, an oriented tire chain having side chains and cross chains, by a method in which the arms of a U-shaped installation tool are connected to the ends of the side chain at one end of the tire chain and the tool is drawn circumferentially around the stationary tire with the chain trailing the tool and sliding over the surface of the tire, which tray comprises:

- a base having a longitudinal axis and, at opposite ends of that axis, a rear end and a front, entrance end;

- an exterior rear wall and exterior side walls projecting upwardly from the base;

- a plurality of vehicle supports projecting upwardly from the base and being spaced from each other and from the side walls so as to define longitudinal channels and transverse channels for receiving and confining laid-out side chains and cross chains, respectively;

- a well for receiving side chains and cross chains which have not been laid out;

- an interior wall projecting upwardly from the base;

- an upwardly facing compartment adjacent the well for receiving the U-shaped tool and protecting it from damage due to the weight of the vehicle, which compartment has a bottom defined by the base and a side defined by the interior wall, the interior wall being located between the well and the compartment, so as to keep said chain which has not been laid out contained in the well and thereby prevent it from coming into the compartment during storage or handling of the tray.

2. A tray according to claim 1 wherein the interior wall defining the compartment is sufficiently high to protect the tool from damage by direct contact with the tire and to keep chain in the well from coming over the tool during storage or handling and then damaging the tool by being forced into it by the tire.

3. A tray according to claim 1 wherein the compartment is defined by a plurality of interior walls.

4. A tray according to claim 1 wherein (i) the well is located between the rearmost vehicle support and the rear wall and (ii) the compartment is defined by a plurality of interior walls, the base, the rear wall, and portions of the side walls adjacent to the rear wall.

6. A tray according to claim 1 wherein the side walls have stacking lugs on their top surfaces and stacking recesses on their bottom surfaces directly beneath the stacking lugs.

8. A tray according to claim 1 wherein the interior wall separates the well from a substantial portion of the compartment.

9. A tray according to claim 1 which further comprises a chain element holder having a passage for receiving, locating, and restraining, from lateral movement parallel

to the base, a chain element at or near the end of each side chain opposite the end connected to the U-shaped tool.

21. A tray according to claim 1 wherein the compartment is U-shaped.

22. A tray according to claim 1 wherein the interior wall has a height at least as great as the height of the tool, so that the tool does not project above the top of the interior wall when the tire chain is loaded in the tray and the tool is disposed in the compartment.

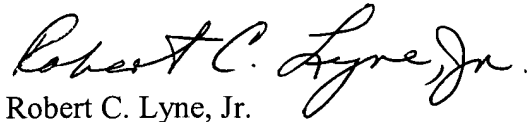
EVIDENCE APPENDIX

Attachment A	First page of Cushman U.S. Patent 5,544,614 including excerpt from col. 5, lines 23-24 of its specification, showing and describing “upwardly facing compartment 52”
Attachment B	Web page from Bartleby.com showing definition of “compartment” from The American Heritage Dictionary of the English Language, Fourth Edition, 2000
Attachment C	Web page from Bartleby.com showing definition of “tool” from The American Heritage Dictionary of the English Language, Fourth Edition, 2000
Attachment D	Web page from Bartleby.com showing definition of “wall” from The American Heritage Dictionary of the English Language, Fourth Edition, 2000

RELATED PROCEEDINGS APPENDIX

None.

Respectfully submitted,



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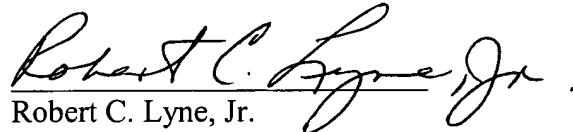
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Robert C. Lyne, Jr.